

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

CSX TRANSPORTATION, INC.,
individually and on behalf of
NORFOLK & PORTSMOUTH BELT LINE
RAILROAD COMPANY,

Plaintiff,

CIVIL ACTION FILE

vs.

NO. 2:18cv530

NORFOLK SOUTHERN RAILWAY
COMPANY, NORFOLK & PORTSMOUTH
BELT LINE RAILROAD COMPANY,
JERRY HALL, THOMAS HURLBUT,
PHILIP MERILLI, and CANNON
MOSS,

Defendants.

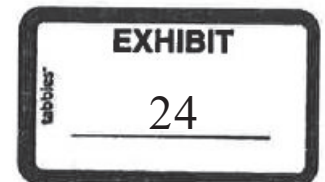
VIDEO DEPOSITION OF
STEVEN ARMBRUST, ESQ.

March 11, 2020

9:56 a.m.

McGuireWoods LLP
1230 Peachtree Street
Suite 2100
Atlanta, Georgia

Robyn Bosworth, RPR, CRR, CRC, CCR-B-2138



1 proposal never even went to a rate committee,
2 correct?

3 MR. JUSTUS: Objection, foundation.

4 BY MR. LYNCH:

5 Q And never went to a vote?

6 MR. JUSTUS: Same objection.

7 A In 2018, the concerns had risen and were
8 articulated in letters preceding the board meeting
9 that the governance of the Belt Line was in a state
10 that required independent board members. And as I
11 recall from the -- there was not a desire to proceed
12 with a rate proposal without approval of an
13 independent board as well.

14 BY MR. LYNCH:

15 Q To your recollection, CSX didn't want to
16 go forward with a rate vote because of the
17 composition of the board.

18 MR. JUSTUS: Objection to form.

19 BY MR. LYNCH:

20 Q Is that a fair statement?

21 A That's my recollection, yes.

22 MR. LYNCH: Exhibit 17.

1 don't want you to testify what CSX was doing
2 internally in terms of business litigation strategy,
3 but you can testify as to the content of the
4 privilege log.

5 A So I agree with the question about the
6 timing on February 1st, and I agree that the letter
7 came out on or about March 23rd, 2018.

8 BY MR. LYNCH:

9 Q And you'd agree with me it's about seven
10 weeks later?

11 A Yes.

12

13

14

15

16

17

18

19

20

21

22

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

